

REMARKS

Claims 1-16 have been deleted and new claims 17-24 have been added. Descriptive basis for the new claims may be found as follows:

- claim 17 in previous claims 1 and 3;
- claim 18 in previous claims 1 and 4;
- claim 19 in previous claim 2;
- claim 20 in previous claim 5;
- claim 21 in previous claim 6;
- claim 22 in previous claim 7;
- claim 23 in previous claim 10; and
- claim 24 in previous claim 16.

Claims 1-16 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Kim100 (WO 99/58100) and by Kim588 (WO 00/12588). The present application a urethane resin prepared from five components, in which components (D) and (E) are not reacted at the same time. The amphoteric urethane resin is produced by reaction of either component (D) or (E) with a prepolymer. In this manner, an improved urethane resin is obtained, which is not obtained if both components (D) and (E) are reacted at the same time. Neither Kim100 and Kim 585 disclose the reaction of either component (D) or (E) with a prepolymer and thus do not obtain the same improved urethane resin. As explained in the specification at page 5, if components (D) and (E) are reacted simultaneously with (A) – (C), then the carboxyl group of (E) initially forms a salt which becomes insoluble to the reaction system and reaction with the isocyanate compound may not occur even in the presence of an OH group. Thus, the rejections have been overcome.

The application was objected to for lack of an abstract. Applicants respectfully traverse. This application was filed under 35 U.S.C. § 371 from WO 02/09658, which application includes an abstract [attached]. A copy of the International Application was not required as the application was filed in the United States Receiving Office (RO/US) [see attached transmittal letter].

Thus, the application was filed with an abstract and the objection should be withdrawn.

In view of the foregoing, Applicant submits the Application is now in condition for allowance and respectfully requests early notice to that effect.

Respectfully submitted,



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Dated: 11 Mar 04

58804



U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		1854
INTERNATIONAL APPLICATION NO. PCT/US 00/09957	INTERNATIONAL FILING DATE 13 April 2000	U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
TITLE OF INVENTION COSMETIC RESIN COMPOSITION AND COSMETIC USING THE SAME		PRIORITY DATE CLAIMED
APPLICANT(S) FOR DO/EO/US <u>NATIONAL STARCH AND CHEMICAL INVESTMENT HOLDING CORPORATION</u> Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p>14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>		

MAR 19 2004

APPLICATION NO. (if known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/US 00/09957

ATTORNEY'S DOCKET NUMBER

1854

21. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482)

nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO

and International Search Report not prepared by the EPO or JPO \$1040.00

International preliminary examination fee (37 CFR 1.482) not paid to

USPTO but International Search Report prepared by the EPO or JPO \$890.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO

but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO

but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO

and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

\$ 890.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☒ 20 ☐ 30

months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	16 - 20 =	0	x \$18.00	\$ 0
Independent claims	1 - 3 =	0	x \$84.00	\$ 0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$

TOTAL OF ABOVE CALCULATIONS =

\$ 1,020.00

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

+

SUBTOTAL =

\$ 1,020.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30

months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

TOTAL FEES ENCLOSED =

\$ 1,020.00

Amount to be

refunded:

\$

charged:

\$

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 14-0455 in the amount of \$ 1,020.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0455. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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REGISTRATION NUMBER



(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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International Bureau



(43) International Publication Date
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PCT

(10) International Publication Number
WO 02/09658 A1

- (51) International Patent Classification: A61K 7/06 (74) Agents: DEC, Ellen, T. et al.; National Starch and Chemical Company, P.O. Box 6500, Bridgewater, NJ 08807 (US).
- (21) International Application Number: PCT/US00/09957
- (22) International Filing Date: 13 April 2000 (13.04.2000)
- (25) Filing Language: English
- (26) Publication Language: English
- (71) Applicant (for all designated States except US): NATIONAL STARCH AND CHEMICAL INVESTMENT HOLDING CORPORATION [US/US]; P.O. Box 7663, Wilmington, DE 19803-7663 (US).
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- (75) Inventors/Applicants (for US only): ASAOKA, Seiji [JP/JP]; 18-26-702, Kamiyamate-cho, Suita-shi, Osaka 565-0841 (JP). SAKURAI, Takahiro [JP/JP]; 387-24, Hirumeshi-cho, Ogaki-shi, Gifu 503-2216 (JP). KOYAMA, Katsuya [JP/JP]; 5-4-1, Senzo, Itami-shi, Hyogo 664-0898 (JP). TSUZUKI, Toshitaka [JP/JP]; 3-7-46, Senba-nishi, Mino-shi, Osaka 562-0036 (JP). HASHIMOTO, Tomohiro [JP/JP]; 2-10-3, Nishitada, Kawanishi-shi, Hyogo 666-0138 (JP).
- (81) Designated States (national): AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM, KB, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
- Published:
— with international search report
- For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

WO 02/09658 A1

(54) Title: COSMETIC RESIN COMPOSITION

(57) Abstract: To provide a cosmetic resin composition for preparation of a hair fixative having all properties of stiffness, shampoo removability, feel, gloss, combability and anti-flaking property. A cosmetic resin composition consisting essentially of an amphoteric urethane resin having a carboxyl group and a tertiary amino group in one molecule thereof, the amphoteric urethane resin having polysiloxane linkage in its structure.